

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

Criminal No. 1:05-cr-10074-PBS

CHARLES CARRINGTON

**DEFENDANT'S ASSENTED-TO MOTION TO CONTINUE TRIAL AND
SCHEDULE A RULE 11 HEARING**

NOW COMES the defendant in the above-entitled matter and hereby moves, by and through undersigned counsel, that the trial in this matter presently scheduled for November 13, 2007 be continued to another date, in January, convenient to the Court. As grounds therefore, undersigned counsel states that the matter will be settled short of trial. The delay is excludable pursuant to 18 U.S.C. § 3161(h)(8)(A). Please see counsel's affidavit in support of the Motion to Continue.

The Assistant U.S. Attorney has assented to this request for a continuance.

Respectfully submitted,
CHARLES CARRINGTON

By his attorney

/s/ Mark W. Shea

Mark W. Shea

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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on November 8, 2007.

/s/ Mark W. Shea

MARK W. SHEA

UNITED STATES DISTRICT COURT
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Criminal No. 1:05-cr-10074-PBS

CHARLES CARRINGTON

**AFFIDAVIT IN SUPPORT OF MOTION TO CONTINUE AND SET A RULE 11
HEARING**

Under oath, I depose and state that:

1. My name is Mark W. Shea.
2. I am counsel of record for the above-named defendant.
3. On August 3, 2006, this Court found the defendant mentally incompetent after a hearing and ordered him committed to the custody of the Attorney General in accordance with 18 U.S.C. § 4241(d).
4. The Defendant has, since been deemed competent by the Court.
5. The Defendant intends to change his plea to guilty at a Rule 11 hearing.
6. The fragile nature of the Defendant's competence requires that great care be taken in preparing him for a Rule 11 hearing.
7. Defense Counsel has numerous Suppression Motions scheduled in a State murder prosecution over the next two weeks.
8. Defense Counsel has a trial, in South Carolina, scheduled for November 29 through the first week of December.
9. Defense Counsel promised the Defendant that Motions for New Trial would be prepared for prior State Court convictions. This work remains to be done and is critical in maintaining the Defendant's trust and confidence in trial counsel.
10. The Defendant waives all speedy trial rights.
11. The Government assents to this motion.
12. No prejudice will be suffered by this delay. In fact, the continuance is sought, in order, to allow the preparation that will hopefully lead to a seamless Rule 11 Hearing.

Signed under the penalties of perjury, this 8th day of November 2007.

/s/ MARK W. SHEA
Mark W. Shea

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/s/ Mark W. Shea
MARK W. SHEA